

ZONING BYLAW AMENDMENT – NONCONFORMING USES AND STRUCTURES

ARTICLE 41. Mr. Bobrowski moves that the Town vote to take affirmative action under Article 41 as printed in the Handout.

Amend Zoning Bylaw Section **7.1 Nonconforming Uses and Structures**, the first paragraph of subsection 7.1.5 by deleting the words “square feet” and replacing them with the words “gross floor area” so that the paragraph reads as follows:

7.1.5 Nonconforming single and two family residential structures. Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension, alteration, or structural change does not increase the nonconforming nature of said structure. Where the proposed extension does not increase the gross floor area ~~square feet~~ contained within the existing structure by more than fifty percent (50%), the following circumstances shall not be deemed to increase the nonconforming nature of said structure:

Changes above are shown as strike-through and underline for the ease of discussion at Town Meeting only. The amendment to subsection 7.1.5 is necessary to make the language in subsection 7.1.5 consistent with language used elsewhere in the Zoning Bylaw.

ZONING BYLAW AMENDMENT – FORMULA BUSINESS

ARTICLE 46. Ms. Stone moves that the Town vote to take affirmative action under Article 46 as printed in the Handout.

Amend Zoning Bylaw Section 1 by adding a new definition 1.3.10 Formula Business as follows, and renumbering subsequent paragraphs 1.3.11 Frontage, 1.3.12 Gross floor area and so forth:

1.3.10 Formula business: A type of business activity that maintains two or more of the following standardized features:

- a) array of services and/or merchandise, or menu
- b) trademark, logo, service mark or symbol,
- c) décor, architecture, layout or color scheme,
- d) uniforms
- e) sign

and is substantially the same as ten or more such establishments, regardless of ownership or location. Formula businesses shall not include post offices, churches, schools or government facilities.

And, amend Zoning Bylaw Section 3. USE REGULATIONS by adding a new subsection 3.3 Formula Business, as follows:

3.3 Formula Business

3.3.1 Purpose. The purpose of regulating the number, location, design and size of formula businesses in the West Concord Business district is to maintain the unique, small-scale, small-town character and feel and the quality of life for Concord residents by preserving the individuality and distinctive appeal of the West Concord business district. Preservation of the existing character, diversity, variety and scale of West Concord's business district is also vital to the continuation of Concord's ability to attract both residents and visitors. West Concord's business district currently provides a mix of unique businesses, architecture, signage, and graphic and other design elements, which gives West Concord a distinctive visual appearance and small-scale eclectic ambiance. These goals are evidenced in the Comprehensive Long Range Plan of 2005, the Village Centers Study of 2007, the Call to Action of 2008, the West Concord Task Force Public Survey of 2009, in committee and public comment in public meetings and public forums of the West Concord Task Force and in the West Concord Master Plan (draft) of 2009.

Limiting the number of formula businesses will allow the West Concord business district to avoid the proliferation of businesses that are homogeneous, visually obtrusive, and often have a high impact on infrastructure, will safeguard West Concord's historical relevance, and will ensure that Concord residents and tourists continue to have unique dining, retail and service experiences in the West Concord village center.

Limiting the size of formula businesses will ensure that their size is compatible with the size of existing village center businesses and will prevent location of businesses that are out of scale in relation to the current small-town, small-scale, historic feel of Concord's village centers.

Article 46 – Formula Business
Planning Board and West Concord Task Force
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3.3.2 *Limitation on the number of formula businesses in the West Concord Business district:* The total number of formula businesses in the West Concord Business district is limited to ten. No new formula businesses can be established until and unless the Board grants a special permit and an existing formula business closes or relocates outside of the West Concord Business district. No existing formula business as of January 1, 2010 can be expanded until and unless the Board grants a special permit for such expansion.

3.3.3 *Criteria for establishment or relocation of a formula business:*

- a) The formula business is designed and operated in a manner that preserves the community's distinctive small-town character and eclectic ambiance;
- b) The formula business will promote a diversity of uses to assure a balanced mix of businesses available to serve residents and visitors;
- c) The formula business does not result in an over-concentration of formula businesses in its immediate vicinity;
- d) The formula business use, together with the design and any improvements, is compatible with the existing architecture and unique aesthetic appearance of the district;
- e) The formula business shall not increase the intensity of use on the site to a level that will adversely impact land uses in the area, pedestrian or motor vehicle traffic or the public welfare;
- f) The formula business shall not exceed 3,500 sq. ft. gross floor area; and
- g) No drive-through facilities are allowed.

ZONING BYLAW AMENDMENT – TABLE II – ACCESSORY USE REGULATIONS

ARTICLE 51. Mr. Adams moves that the Town vote to take affirmative action under Article 51 as printed in the Handout.

Amend **TABLE II – Accessory Use Regulations** by changing “Y5” to “SP5” to revise TABLE II to reflect the existing language in the zoning bylaw that allows seasonal catering use by special permit in Limited Business District #5, as shown below,

	Residential Districts				Commercial Districts			Industrial Districts		
Uses	AA	A	B	C	B	LB	MP	I	IP	LIP
5.3.17 Seasonal Catering	N	N	N	N	N	Y <u>SP⁵</u>	N	N	N	N

And, in subsection 5.3.17, insert the phrase “to the extent that it is a” in the second sentence, as shown below:

“5.3.17 Seasonal catering: The Board by special permit may authorize the use of a portion of the premises for seasonal catering to customers off-premises. Such seasonal catering shall be limited to the preparation and packaging of food, with delivery and set-up to the extent that it is a customary function of the caterer. Pick-up of food by customers may be permitted if suitable parking is available.”

Changes above are shown as strike-through and/or underline for the ease of discussion at Town Meeting only. This proposed change is a revision of the Zoning Bylaw Table II Accessory Use Regulations, to reflect the written definition of seasonal catering in the Limited Business District #5 (the South Bridge Boathouse) which requires a special permit.